

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:06CR3049
	)	
v.	)	
	)	MEMORANDUM AND ORDER
ERIK OSORIO,	)	
	)	
Defendant.	)	
_____	)	
	)	4:07CR3031
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ERIK OSORIO,	)	
	)	
Defendant	)	

Counsel for the government and defendant have advised the court that the defendant intends to plead guilty in case number 4:06CR3049, and when the plea is accepted and the defendant is sentenced on 4:06CR3049, the government will move to dismiss case number 4:07CR3031. A hearing was held today on the defendant's motions for new counsel, (4:06CR3049, filing no. [65](#); 4:07CR3031; filing nos. [17](#) & [19](#)). Based on the defendant's statements and representations to the court during the hearing,

IT IS ORDERED:

- 1) The defendant's motions for appointment of new counsel are denied. Carlos Monzón shall continue to represent the defendant in the above-captioned cases.
- 2) The hearing on defendant's anticipated plea of guilty in case number 4:06CR3049 will be held before the undersigned magistrate judge on February 11, 2010 at 2:00 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

- 3) On or before the date set for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.
- 4) The time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant and his counsel need additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).
- 5) Defendant shall appear for this hearing.

DATED this 26<sup>th</sup> day of January, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge